

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JANUARY 26, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King (arrived at 5:05 p.m.)
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 110-126 Evergreen & NE Corner of Evergreen Avenue & Seacoast Drive,
Imperial Beach, CA 91932, APN 625-351-25/26

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Howard Land Development, LLC.

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 119 Elm Street, Imperial Beach, CA 91932, APN 625-351-02

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: George W. Howard III & Austine R. Howard

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 236 & 240 Palm Avenue, Imperial Beach, CA 91932, APN 625-023-07

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: George and Cinder Braudaway

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 226 Palm Avenue, Imperial Beach, CA 91932, APN 625-023-06

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Kenneth & Dianne Schertzer

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 1044-52 Fern Ave, Imperial Beach, CA 91932, APN 632-130-37

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Braudsand, LLC

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: Vacant Lot on Florida Street, Imperial Beach, CA 91932, APN 626-230-13

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Dorothy L. Baker

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 701-707 Palm Ave., Imperial Beach, CA 91932, APN 626-250-02

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Parmela S. Sawhney Trust 10-09-02

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 766 10th Street, Imperial Beach, CA 91932, APN 626-282-13

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Andy & Catherine Borgia

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

9. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Govt. Code 54956.9(b)(3)(A)

Significant Exposure to Litigation (1 case)

10. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)

Initiation of Litigation (1 case)

11. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Case Name: Frederick W. Myers v. City of Imperial Beach

Case No. 37-2010-00079912-CU-JR-SC

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: KING

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, CITY ATTORNEY LYON announced Closed Session Items 1, 2, 3, 4 and 8 were deleted from the Closed Session Agenda; with regard to Closed Session Items 5, 6, 7, 10 and 11 direction was given and no reportable action was taken; and with regard to Closed Session Item 9 City Council unanimously approved a settlement agreement and mutual release of claims on an employment matter.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present: Spriggs, Bragg, King

Councilmembers absent: None

Mayor present: Janney

Mayor Pro Tem present: Bilbray

Staff present: City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER BRAGG expressed her gratitude to the San Diego Police Department for recovering her son's stolen 2011 truck within one and a half hours of it being reported missing; she reported on her recent attendance at the MTS meeting and noted that the renovation of the Blue Line is a top priority, riders will soon be able to receive travel updates on cell phones, MTS will continue to support legislation that requires wheelchair and scooter manufacturers to inform customers prior to the purchase of vehicles that are too large to be accommodated by the trolley, and she announced that she was appointed to the Accessible Advisory Committee.

COUNCILMEMBER SPRIGGS reported on his and Councilmember Bilbray's attendance at the League of California Cities – New Mayors and Councilmembers Academy in Sacramento.

MAYOR JANNEY reported SANDAG continues to work on the 2050 Regional Transportation plan.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1 - 1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY, along with MARCO TOPETE, of EDCO, presented the Recycle All-Star Award Certificate, \$100 check and other premiums to William Mckee.

JOHN PERNO indicated support for the item (he did not wish to speak).

1.2 PUBLIC PRESENTATION BY IB YAPPY ON THEIR PROPOSAL FOR AN OFF-LEASH AREA ON THE BEACH NORTH OF PALM AVENUE. (0920-90)

DEBORAH GOELZ reported on a collection of 700 signatures in support for a dog park in Imperial Beach; she spoke of the need, desire and support for a dog park; she suggested the following locations for consideration: South Beach (surrounded by a fence to keep the dogs away from the birds), North Beach between Palm Ave. and Carnation Ave. during the off season (with an alternate location during the other eight months), and at Veterans Park south of the soccer field; and she encouraged City Council to direct staff to look into the best location for a dog park in Imperial Beach.

JESSICA DYKES, President of IB Yappy; spoke in support for a dog park in Imperial Beach.

MAYOR JANNEY reported on a meeting he had with members of IB Yappy and Ocean Blue regarding a dog park in Imperial Beach.

Consensus of City Council to direct City staff to return to City Council upon identifying a location for an off-leash dog park in Imperial Beach.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY BRAGG, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THROUGH 2.4. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Special City Council Meeting of December 8, 2010.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 72261 through 72496 with the subtotal amount of \$1,038,199.82 and Payroll Checks 43400 through 43516 for the pay period ending 12/02/10, 12/16/10 and 12/30/10 with the subtotal amount of \$459,677.44, for a total amount of \$1,497,877.26.

2.3 RESOLUTION NO. 2011-6988 – APPOINTING CITY MANAGER TO ACT RELATIVE TO THE CSAC EXCESS INSURANCE AUTHORITY. (0190-35)

Adopted Resolution.

2.4 RESOLUTION NO. 2011-6986 – AUTHORIZING THE CITY MANAGER TO SIGN REVISED AGREEMENT WITH AT&T FOR WIRELESS FACILITIES ON CITY HALL PROPERTY. (0800-50 & 0910-10)

Adopted Resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2011-1115 – ADOPTION OF THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, INCLUDING LOCAL AMENDMENTS FOR THE CITY OF IMPERIAL BEACH. (0710-95)

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2011-1115.

CITY CLERK HALD read the title of Ordinance No. 2011-1115, “An ordinance of the City of Imperial Beach amending Title 15 of the Imperial Beach Municipal Code by amending Chapter 15.40 by adopting the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.”

BUILDING OFFICIAL ADAME announced the second reading will be conducted as a public hearing.

MOTION BY KING, SECOND BY BILBRAY, TO DISPENSE WITH THE FIRST READING OF ORDINANCE NO. 2011-1115 BY TITLE ONLY AND, SET THE MATTER FOR A PUBLIC HEARING AND ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.5)

6.1 SPORTS PARK SKATE PARK ELEMENT PERIMETER FENCE. (0920-40)

CITY MANAGER BROWN reported on various nuisance activities that have been observed since the opening of the skate park; and he recommended installation of a fence to stop the nuisance activities.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and he responded to questions of Council regarding the location of the proposed fence.

BOB MILLER announced that the results of the meeting he and other residents had with Public Safety Director Clark and Sheriff's Lt. Ybarrando were submitted as part of the record; and he spoke in support for the installation of an eight-foot tall or higher perimeter fence.

CHRIS BRAGG asked City Council to consider a revision to the skate park rules allowing for the use of scooters.

CAPT. WILLIAM ZIDBECK, a supporter of the skate park, expressed concern about the City not taking the opportunity from the beginning to encourage youth to read and abide by the skate park rules; he supported the use of scooters; opposed the use of bicycles; and he encouraged the people who supported the park to organize and teach the rules to the users of the skate park.

TIM O'NEAL stated the complaints about noise by the 5th Street residents are not exaggerated; he was initially opposed to a fence, however supported a fence if there is difficulty in getting users to leave afterhours; he spoke of the need for a larger park to accommodate the number of skaters in Imperial Beach; he expressed concern about over enforcement of the rules; and he cautioned limiting access to the skate park as it would violate the terms of the Tony Hawk grant; and he offered his assistance with resolving the issues (additional speaking time donated by ROBERT TAYLOR).

MARY ANNE SCHOOLTZ spoke in support for a skate park; she expressed concern about the noise; and she was in support for opening the skate park at 9:00 a.m. and closing at sunset.

MAYOR JANNEY agreed that the skate park opening event would have been a good opportunity to reinforce the rules; he was concerned about users not using safety equipment as well as for the cost of the fence; he expressed appreciation for the Tony Hawk Foundation grant and stressed the importance of having rules to make the skate park work for Imperial Beach; and he spoke in support of staff's recommendation.

COUNCILMEMBER BRAGG expressed concern about users not wearing safety equipment; she expressed caution in considering the building of a permanent fence as some had the notion of park expansion.

COUNCILMEMBER KING expressed concern about the font size on the skate park signs; he spoke in support for larger signs at the gates; he stated the proposed pilasters are not necessary and without them the costs would decrease substantially; he noted that in this economy the cost for the fence can be less; he spoke in support of providing areas for skate park users to sit; he also spoke in support of the installation of cameras to allow for observation of the park and he supported installation of recycle barrels.

MAYOR JANNEY encouraged staff to be as expeditious as possible in returning to City Council with a design for the fence; and noted that it is necessary to cure the problems that are in existence today.

CITY MANAGER BROWN stated that it will be possible to use the current design without the pilasters and will also return with the funding source.

COUNCILMEMBER KING stated the fence is just a first step and he expressed appreciation to the neighborhood for their patience.

COUNCILMEMBER SPRIGGS encouraged users to figure out how to use the park so all benefit and no one gets hurt; he cautioned the users not to jeopardize the wonderful resource, he spoke of the need to progress down a clear path otherwise the park may be closed down; he spoke of the need for the users to take responsibility for themselves and for what is going on at the park; and he encouraged the community to partner with the City to develop rules that they can live by.

MAYOR JANNEY encouraged the City Manager and Finance Director McGrane to work out the funding; he spoke about a north county city that found it necessary to close their skate park more than once because the users did not follow the rules.

6.2 RESOLUTION NO. 2011-6983 – ACCEPTING FISCAL YEAR 2009-10 ANNUAL REPORTS FOR THE SAN DIEGO BAY AND THE TIJUANA RIVER WATERSHED URBAN RUNOFF MANAGEMENT PROGRAMS. (0770-87)

CITY MANAGER BROWN introduced the item.

CHRIS HELMER gave a PowerPoint presentation on the annual reports.

COUNCILMEMBER SPRIGGS expressed concern with issues south of the border as well as issues north of the border; he spoke in support for workshops, in depth briefings or other means to become knowledgeable on the complex issues.

CITY MANAGER BROWN responded there is an upcoming tour of the recycling plant.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-6983 – ACCEPTING FISCAL YEAR 2009-10 ANNUAL REPORTS FOR THE SAN DIEGO BAY AND THE TIJUANA RIVER WATERSHED URBAN RUNOFF MANAGEMENT PROGRAMS. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY spoke positively about staff's efforts in maintaining the City's aging infrastructure.

6.3 RESOLUTION NO. 2011-6987 – APPROVING THE PURCHASE OF AN ANIMAL CONTROL VEHICLE. (0200-80)

CITY MANAGER BROWN introduced the item and noted that the vehicle will not have air-conditioning due to the relatively cool climate in Imperia Beach.

In response to questions of City Council, PUBLIC SAFETY DIRECTOR CLARK stated that the animal transport unit on the current vehicle will be removed and installed on the new truck; and that the current vehicle needs to be replaced due to a rusting cab and high mileage.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-6987 – APPROVING THE PURCHASE OF AN ANIMAL CONTROL VEHICLE. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. R-11-240 – ACCEPTING THE STATE CONTROLLER’S ANNUAL REPORT ON FINANCIAL TRANSACTIONS, HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY FOR THE YEAR ENDED JUNE 30, 2010, AND THE REDEVELOPMENT AGENCY FINANCIAL STATEMENTS AS OF JUNE 30, 2010. (0300-88 & 0310-30)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave an overview of the financial reports.

MAYOR JANNEY spoke about several benefits that occur as a result of redevelopment activity.

MOTION BY KING, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. R-11-240 – ACCEPTING THE STATE CONTROLLER’S ANNUAL REPORT ON FINANCIAL TRANSACTIONS, HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY FOR THE YEAR ENDED JUNE 30, 2010, AND THE REDEVELOPMENT AGENCY FINANCIAL STATEMENTS AS OF JUNE 30, 2010. MOTION CARRIED UNANIMOUSLY.

6.5 APPROVAL OF A COOPERATION AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY FOR PAYMENT OF CERTAIN COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY FUNDED PROJECTS. (0640-05)

The following documents were submitted as last minute agenda information:

- a. Revised Exhibit A (Projects recommended are based on previous City Council discussions)
- b. Resolution No. 2011-6989 and a subsequent revision
- c. Resolution No. R-11-241 and a subsequent revision
- d. September 1, 2010 Staff report – Item No. 6.1

CITY MANAGER BROWN introduced the item.

SUSAN COLA, Special Counsel, recommended that the façade improvement program and the library expansion plan be removed from the list of projects (Exhibit A); and noted that if City Council’s priorities change there would need to be an amendment to the cooperation agreement as well as another public meeting; and the schedule for the projects will be part of the agreement.

CITY ATTORNEY LYON reported that with the approval of the resolutions, the City Manger/Executive Director will be authorized to execute the cooperation agreement, the agreement will include the list of projects as it was amended tonight and a schedule showing a five year span of the estimated project completion dates; she noted that the agreement will provide for flexibility for project costs as well as for project start and completion dates.

MOTION BY KING, SECOND BY BRAGG TO ADOPT RESOLUTION NO. 2011-6989 – AUTHORIZING THE CITY OF IMPERIAL BEACH TO ENTER INTO A COOPERATION AGREEMENT WITH THE IMPERIAL BEACH REDEVELOPMENT AGENCY AND MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATED THERETO. MOTION CARRIED UNANIMOUSLY.

MOTION BY BRAGG, SECOND BY KING, TO ADOPT RESOLUTION NO. R-11-241 – AUTHORIZING THE AGENCY TO ENTER INTO A COOPERATION AGREEMENT WITH THE CITY AND MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATED THERETO. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:01 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk